7th Election District

3rd Councilmanic District Petitioners

Henry C. Stull, et ux

\* \* \* \* \* \* \* \* \* \*

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 94-156-SPH

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the owners of the subject property, Henry C. and Helen A. Stull. The Petitioners seek approval of an addition to the existing farm house to provide living quarters for their son and daughter-in-law, in accordance with Petitioner's Exhibit 1

Appearing on behalf of the Petition were Stanley H. and Betty Lou Stull, the Petitioners' son and daughter-in-law. There were no Protestants.

Testimony indicated that the subject property, known as 20135 Old York Road, consists of 106 acres, zoned R.C. 2 and is improved with a single family dwelling and accessory outbuildings. The Petitioners are desirous of building an addition to the existing dwelling to provide living quarters for their son and daughter-in-law in accordance with Petitioner's Exhibit 1. Mr. Stanley Stull testified that he and his wife would like to move back to the farm to look after the property and care for his parents. Testimony revealed that Mr. & Mrs. Stanley Stull owned an adjoining farm on West Liberty Road and that they recently sold their property to move back home with Mr. Stull's parents. Due to the fact that the proposed addition will include kitchen and bathroom facilities, the addition will be treated as a second dwelling unit on the property. Therefore, a special hearing is needed to approve two dwelling units on the property.

Here in Baltimore County and elsewhere around the country more and more children are finding it necessary to care for their aging parents. The relief sought in the instant case is becoming more common due to the fact that individuals are living longer and finding it necessary to have someone look after them. The special hearing requested avoids the need to place relatives in nursing homes or elder care facilities.

It should also be noted that the Petitioners' request has been approved by the Office of Planning and Zoning and the Department of Environmental Protection and Resource Management insofar as this property is located within the Agricultural Preservation Program. The Petitioners' request does not conflict with the agricultural easement so long as the addition is used by the same family.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of November, 1993 that the Petition for Special Hearing to approve an addition to the existing farm house to provide living quarters for their son and daughter-in-law, in accordance with

- 2-

Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- i) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed addition shall be occupied only by the Petitioners' son and daughter-in-law, Stanley H. and Betty Lou Stull. The addition shall not be occupied by any other individuals, including other family members, without a public hearing to determine the appropriateness of same. In the event Stanley and Betty Lou Stull no longer reside in the proposed addition, then all kitchen facilities provided therein shall be removed and the dwelling reconverted back to a single family dwelling.
- 3) In the event the Petitioners desire to sell the subject property, it shall be listed and sold as a single family dwelling and shall in no way be represented as a two-family or two apartment dwelling.
- 4) Within sixty (60) days of the date of this Order and prior to the issuance of any occupancy permits, the Petitioners shall cause a copy of this Order to be recorded in the Land Records of Baltimore County so that any potential purchaser of the property will be on notice that this property can only be conveyed as a single family dwelling.

5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

> Deputy Zoning Commissioner for Baltimore County

RECEIVED FOR FILING

TMK:bis

- 3-

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towern, Baltimore County, Md., once in each of \_\_\_ successive

Baltimore County Governmen Office of Zoning Administration and Development Management

Baltimore County Government

Zoning Commissioner

Office of Planning and Zoning

Movember 29, 1991

Enclosed please find a copy of the decision rendered in the

In the event any party finds the decision rendered is unfavor-

Very truly yours,

TIMOTHY M. KOTROCO

for Baltimore County

Deputy Zoning Commissioner

(410) 887-3353

above-captioned matter. The Petition for Special Hearing has been granted

able, any party may file an appeal to the County Board of Appeals within

thirty (30) days of the date of this Order. For further information on

filing an appeal, please contact the Zoning Administration and Development

(410) 887 4386

Suite 113 Courthouse

Towson, MD 21204

400 Washington Avenue

Mr. & Mrs. Henry C. Stull

White Hall, Maryland 21161

RE: PETITION FOR SPECIAL HEARING

(20135 Old York Road)

Case No. 34-156-SPH

Management office at 887-3391.

cc: Mr. & Mrs. Stanley H. Stull

People's Counsel

TMK:bjs

E/S Old York Road, 1150' N of Ensor Road

Henry C. Stull, et ux - Petitioners

in accordance with the attached Order.

7th Election District - 3rd Councilmanic District

20320 West Liberty Road, White Hall, Md. 21161

20135 Old York Road

Dear Mr. & Mrs. Stull:

111 West Chesapeake Avenue Towson, MD 21204

NOTICE OF HEARING

County, will hold a public hearing on the property identified hereis is Room 106 of the County Office Building, 111 W. Cheespeaks Svenue in Tousen, Haryland 2120

20/45 2005-Old Fork Road E/S Old Fork Road, 1150' H of Engor Road 7th Election District - 3rd Councilmenic Petitioner(s): Henry C. Stull and Helen A. Stull MEARING: HONDAY, HOVERINGE 15, 1993 at 9::00 a.m. in Rm. 118, 01d Courthouse

pecial Hearing to approve an addition to the existing farm house allowing two living units on one lot

(2) MEASTERN ARE RESPICAPPED ACCESSIBLE; FOR SPECIAL ACCESSIBLETONIN PLRASE CALL 687-3353. (A) FOR THEOREMPTON CONCERTING THE FILE AND/OR MEARING, CONTACT THIS OFFICE AT 867-1391.

CENED FOR FILIN

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

94-156-SPH
which is presently zoned RC2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undereigned, legal owner(s) of the property situate in Baitimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve AN ADDAIN TO THE EXILTING FARM HOUSE TO ALLOW ME AND ME STELLE

SON AND DAUGHTTRIJLAW TO BE AVAILABLE TO THEM. THIS IS AN RC-Z ZENING MEAND MES STULL HAUS LINED ON THIS ROPIETY SINCE 1946. THIS WIN ALLOW TWO LIVING UNITS ON ONE LOT IN AN

RC. - 2 zone

Property is to be posted and advertised as prescribed by Zoning Regulations.

i, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Henry C. Stull Helen A. Stull

20135 Old York Rd. 357-8874 White Hall md. 21161

Stanley Stull 20320 W. Liberty Rd Addition Holl Md. 21161 357-4946

We do sciemnly declare and affirm, under the penalties of perjury, that twee are the legal owner(s) of the property which is the subject of this Petition.

EXAMPLE 3 - Zoning Description - 3 copies 94-156-5PH

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

zoning description for ZOI35 OLD YORK Ro. WHITE HALL MD ZIILI (address)

Election District 7 Councilmanic District 3

Beginning at a point on the CAST side of CLD YOUK (north, south, east or west)

wide at a distance of 150 NOUTH of the (number of feet) (north, south, east or west) 

Hoole # RJS 1458 , Folio # 399 (square feet and acres)

> \*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber \_\_\_\_, Folio 399" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

EIVED FOR FILING

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

November 5, 1993

Mr. and MRs. Henry C. Stull 20135 Old York Road White Hall, Maryland 21161

> RE: Case No. 94-156-SPH, Item No. 152 Petitioner: Henry C. Stull, et ux Petition for Special Hearing

Dear Mr. and Mrs. Stull:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on October 1, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



10-8 93

O. James Lighthizer

Hal Kassoff

Administrator

Re: CALTITICKE COUNTY
Item No.: \$ 157 (TRA)

Zoning Administration and Development Management County Office Building Room 109 Towson, Maryland 21204

Ms. Charlotte Minton

111 W. Chesapeake Avenue

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

My telephone number is \_\_\_\_\_\_ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

**DATE:** October 14, 1993

SUBJECT: 20135 Old York Road

INFORMATION:

Item Number: 152 Stull Property Petitioner: Property Size: Zoning: Requested Action:

Hearing Date: SUMMARY OF RECOMMENDATIONS:

Staff supports the applicant's request, however, the following condition is recom-

At such time as care for Mr. and Mrs. Stull is no longer required, the dwelling should be reconverted to a single-family use.

ZAC.152/PZONE/ZAC1

Pg. 1

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

October 19, 1993

Mr. Arnold Jablon, Director Zoning Administration and Development Management

J. Lawrence Pilson J.P Development Coordigator, DEPRM

SUBJECT: Zoning Item #152 - Stull Property 20135 Old York Road Zoning Advisory Committee Meeting of October 12, 1993

Environmental Impact Review:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Any development must comply with the County's Forest Conservation Regulations.

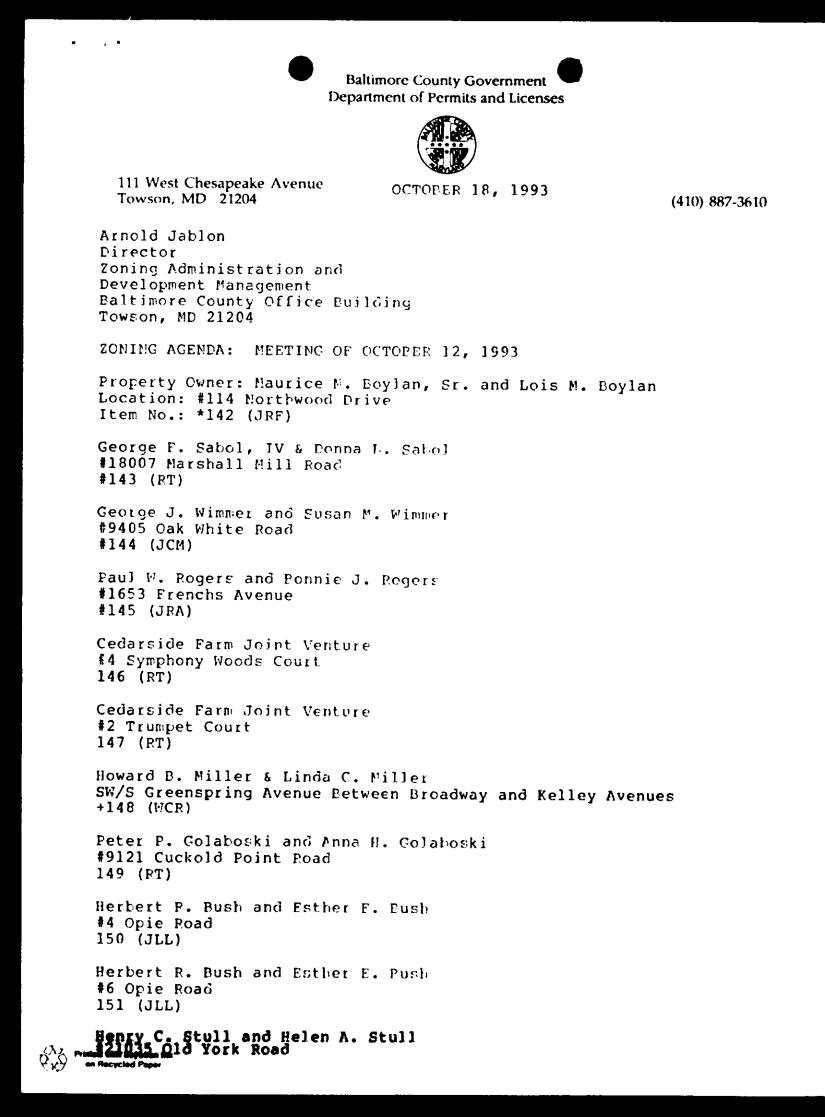
Agricultural Preservation Program:

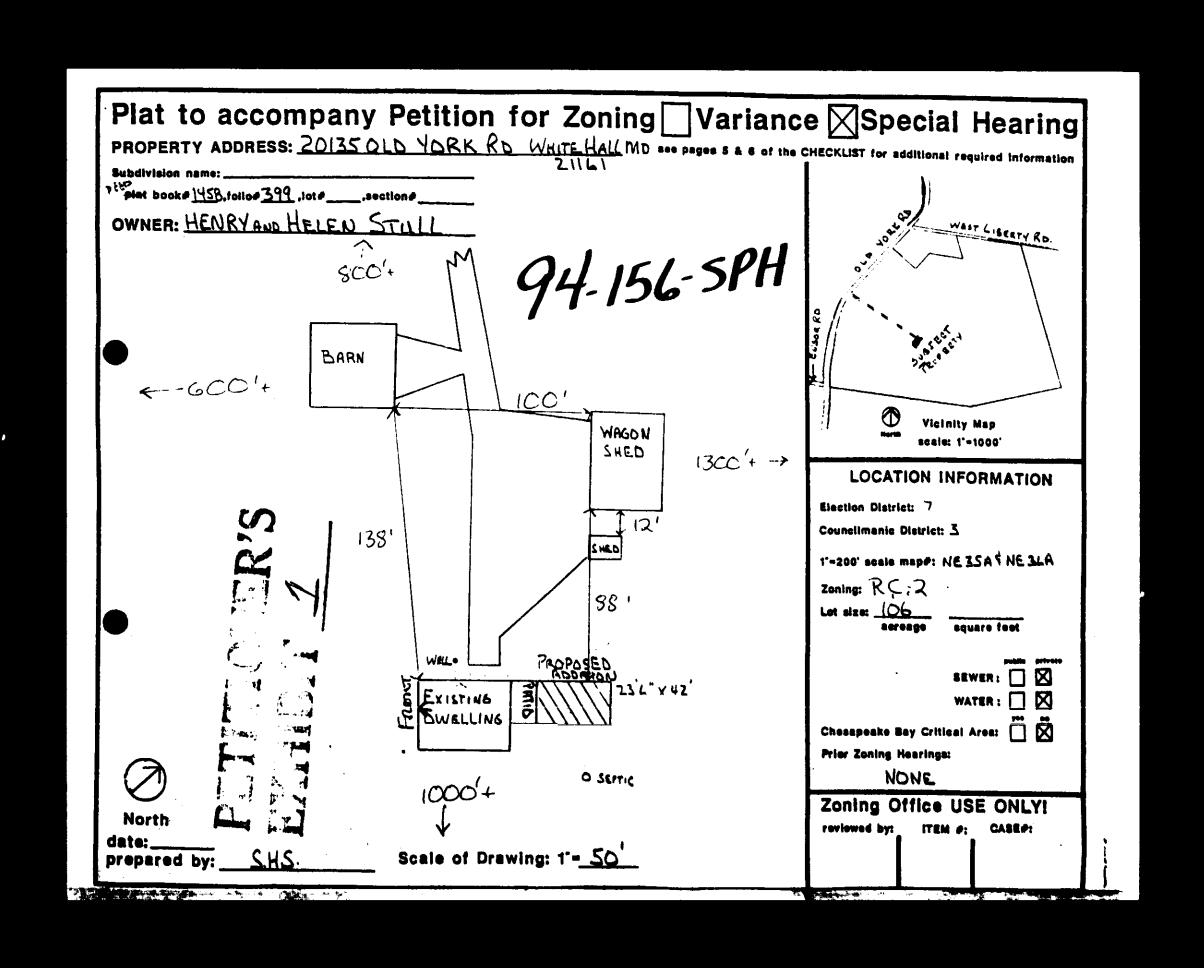
This property is Maryland Agricultural District No. 03-07-81-04A on which an easement has been placed. The restrictions of the casement include no additional residential development unless as provided for in the easement.

The request does not conflict with the easement as long as it is an addition to an existing building and is to be used by the family and cannot be sold off or rented to another party.

The request has been reviewed for conflict with prime and productive soils and will have no impact on agricultural resources.

STULL/DEPRM/TXTSBP





LEAGE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET	
STANLEY H. STULL  SETTY LON STULL	20135 OLL YORK KE WHILE HALL MO 2110

